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NOTES OF CASES.

CONTRACTS—SALE OF BUSINESS AND GOOD WILL.—One who sells a trade, good will, and business, covenanting to warrant and defend the same, is held, in *Ranft v. Reimers* (Ill.), 60 L. R. A. 291, to have no right, after resuming business, to solicit trade from his former customers to the injury of the buyer.

SLANDER—PRIVILEGED COMMUNICATIONS.—Words spoken by a witness in a judicial proceeding concerning a stranger to the suit, which are pertinent to the issues involved, and fairly responsive to questions propounded to him, are held, in *Cooley v. Galyon* (Tenn.), 60 L. R. A. 139, to be absolutely privileged notwithstanding actual malice.

CONSTITUTIONAL LAW—CRIMINAL EVIDENCE.—Reading on a second trial of a criminal case testimony of a witness who died after the first trial, at which accused was present and represented by counsel, who was accorded the right of cross-examination, is held, in *People v. Elliott* (N. Y.), 60 L. R. A. 318, not to infringe the right of the accused to be confronted with the witnesses against him, in the presence of the court.

LANDLORD AND TENANT—INDEPENDENT CONTRACTOR.—A landlord is held, in *Pittsfield Cottonwear Mfg. Co. v. Pittsfield Shoe Co.* (N. H.), 60 L. R. A. 116, not to be relieved from liability for injury to tenants of a lower floor by the freezing and bursting of an automatic fire extinguisher in the portion of the building retained by him, by the fact that he has employed an independent contractor to keep the building heated.

SALES—WARRANTIES—THIRD PERSONS.—One who purchases from the manufacturer an emery wheel, upon which the manufacturer has placed a placard warranting the speed capacity of the wheel, and who sells it in the same condition as when received from the manufacturer, but without any express representation as to its capacity, is held, in *Pemberton v. Dean* (Minn.), 60 L. R. A. 311, not to adopt the warranty of the manufacturer as his own by such sale.

EMINENT DOMAIN—TEMPORARY USER.—Power to condemn property injured by a sewer system for a temporary period necessary to perfect some other method of disposing of the sewage is held, in *Waterbury v. Platt Bros. & Co.* (Conn.), 60 L. R. A. 211, not to be conferred by general authority to construct sewers and acquire by eminent domain the property necessary for that purpose. With these cases is an extensive note reviewing the authorities on procedure for the establishment of drains and sewers.